



Department of Pesticide Regulation's  
**AGRICULTURAL PEST CONTROL  
ADVISORY COMMITTEE**

**Meeting:** Tuesday, July 22, 2008  
9:30 a.m. - 12:00 p.m.

**Location:** 1001 I Street  
Training Rooms East/West, 1st floor  
Sacramento, California 95812

**Members Present:** (9) Richard Stoltz- Pest Control Aircraft Pilots, Mary Louise Flint-The University of California, Division of Agriculture and Natural Resources, Jim Farrar-California State University System, Linda LaVanne- Agricultural Pest Control Advisers, Ken Nichols- Pest Control Businesses, Tim Stone - Commercial applicators, Matt Scally- Maintenance Gardener Pest Control Business, Wayne Steele-Registrants, Barbara Todd- Department of Food and Agriculture (Ex-Officio), as defined in FAC Section 56110.

**Department Staff:** (12) David Duncan- Chair of Committee (Ch), Mac Takeda, Cynthia Ray, Rayven Jenkins, Sarah Pingitore, Regina Maglia, Veda Federighi, Pat Matteson, Randy Segawa, Linda O'Connell, Lillian Kelly, and Kevin Solari.

**Guests:** (7) Susan Cohen- University of California, Joyce Basan-CAPCA, Terry Stark-CAPCA, Dave Lawson-Lawson & Associate, Nasser Dean -WPHA, Terry Gage - California Aircraft Association, and Mike McKinney ? who does he represent?.

**Members Absent:** (6) Ronald Berg- Pest Control Dealers, Jean La Duc- General Public)- David DeSilva- Board of Governors of the California Community College system, Scott Hudson- County Agricultural Commissioner Association, and Kenneth Oneto- FAC section 56115 Producers

**Member Vacancies:** none

## **AGENDA**

**9:30-9:35** Introduction of members and others in attendance and review of agenda  
David Duncan, Department of Pesticide Regulation (DPR)

**9:35-9:40** Review and approval of April 29 2008 meeting minutes  
Committee  
Approved as written except to remove Tim Butler, Registrants as being absent since Wayne Steel the newly appointed person representing registrant was in attendance.

**9:40-10:00** DPR Licensing updates – license renewal time line, new license number transition, fumigant applicator grandfather form, maintenance gardener outreach project  
Mac Takeda, David Duncan, DPR

### **PCA MQs**

- On April 23 a letter was sent to County Agricultural Commissioners (CAC) regarding the Minimum Qualification (MQ) changes made to the Pest Control Adviser (PCA) license requirements. The new PCA application form reflecting that change is now on the DPR website.
- Forty-seven applicants did not qualify for the PCA license examinations in 2007. Under the new MQs, 9 out of the 47 qualified. Currently all applicants for the PCA license are qualifying for the 2008 exams.

### **Examination Statistics**

Mac provided a 2007 monthly breakdown of Examination Applicants, as well as a breakdown of the total valid licenses in the DPR database and comparison with the data in 2004.

#### **2007 Statistics: Total Licenses in the DPR database:**

- **Businesses:** There are 2663 Main businesses and 747 Branches for a total of 4467 businesses.
- **Individual:** There are a total of 22,754 individual licenses.

There were 4,200 PCAs. There are now 3,802.

In 2007 there were 4416 Examination applicants and 9,100 separate exams were given.

#### Status for License Breakdown by type for 2007:

Lic. Type	Lic. Issued			
QAL	641 New	187 Amended	1152 Fail/NS	42% pass
QAC	861 New	94 Amended	850 Fail/NS	53% pass
PCA	120 New	205 Amended	151 Fail/NS	68% pass
DDA	49 New		24 Fail/NS	68% pass
APC	37 New		23 Fail/NS	62% pass
JPC	7 New		3 Fail/NS	70% pass

#### New License Numbers

Q. Will new numbers be on renewal forms? A. Yes. The new numbers are already in place for CE tracking.

- The new 5 or 6-digit for individual or business license numbers will be implemented for the 2008 renewal season. The notice regarding the implementation of this new number series will be on website.
- Letters regarding the 5 or 6-digit license numbers will be mailed to the business & individual license holders.
- The 'Bookmark' reminder/ timeline will also be mailed, and hopefully the licensees will read them.
- The Renewals will go out in early September. The key thing is that the individual license renewal applicants get the renewals in as soon as possible, so the businesses can be renewed.

#### Renewals

- There has been an extensive clean up of the new database. Some addresses may be incorrect. If someone does not receive a renewal notice they should contact us immediately.
- DPR will talk to groups re: this transition period.

#### New Employees

- Three new employees have been hired in the licensing unit. Regina Maglia and Salina Hernandez will work on the qualified applicator Desks, and Sarah Pingitore will work on the business desk.

#### Continued Education

- Individuals must meet the Continued Education (CE) requirements before December 31, 2008. The 'Bookmarks' will remind them.
- Renewal delays are caused by taking CE classes late, although October and December CE classes will still be available.

#### New Field Fumigation Subcategory

- DPR has established a field fumigation subcategory –O. The subcategory will be effective on January 1, 2009.
- Businesses who do field fumigation must have a qualified applicator holding a license in field fumigation sub-category (O) effective on January 1, 2009.
- Notices regarding field fumigation sub-category (O) will go out in October.
- A DRAFT form was presented so that most current qualified applicators will be grandfathered for the field fumigation subcategory if they meet the criteria of 24 months experience before January 2009.
- Applicant's who do not fall under the grandfather will have the option of taking the Field Fumigation sub-category examination at the first scheduled examination date in 2009.
- Field Fumigation Study Material and examination will be available by January 2009.
- The Updated QAL and QAC applications with the category (O) will be available by December 31, 2008 or sooner.

#### Category Q- Maintenance Gardener

At this time, there are more applicators in the state using pesticides incidental to their work, but are not licensed as a maintenance gardener business. If someone wants to be licensed as a Maintenance Gardener-Q they now must take the QL or QC Laws and regulations examinations, and the challenging Landscape Maintenance –B exam. If they wish to downgrade the B category to the Q category, it drops the CE requirement from 20 hrs every two years to 8 hrs every two years.

DPR will be proposing a new maintenance gardener subcategory regulation that would only require one exam to become qualified in the maintenance gardener pest control subcategory. The exam will test the applicant in the laws and regulations, and pesticide and pest control operation safety standards. The result will be a competent applicant to operate a maintenance gardener pest control business. The exam and study material currently are being developed by University of California, Davis and will be in both English and Spanish. Individuals qualified in this category would only be able to use general use pesticides.

The San Luis Obispo (SLO) County Agricultural Commissioners office currently has an outreach program that explains to the general public, and to the need to hire licensed maintenance garden, the need to be licensed if they use pesticides in their gardening work. In 2009 DPR plans to fund the SLO outreach pilot program to reach the unlicensed gardeners. DPR will be creating workshops with

the assistance of a professional trainer who will be creating modules to prepare potential licensees for the examination. DPR will provide free study materials both in English and Spanish to the attendees at the workshops. EPA has agreed to provide funding for training modules and workshops.

#### **Subcommittee**

David Duncan, Chair appointed Mary Louise Flint, Jim Farrar, Matt Scally, and Terry Stark to be on the committee to assist in the development of the maintenance gardener subcategory regulations. The subcommittee will meet after one of APCAC meetings. They may also have phone conferences after that due to travel parameters for the members.

#### **10:00-10:20            A Community Guide to Recognizing & Reporting Pesticide Problems, a new DPR publication- Veda Federighi, DPR**

Veda Federighi, the Assistant Director for External Affairs, handed out a new DPR publication entitled 'A Community Guide to Recognizing & Reporting Pesticide Problems'.

A few years ago environmental justice advocates and individuals had asked for a phone number to call when they needed to report pesticide problems. They wanted an 800 number and/or listing in the phone book. The number 1-800-pestline, in English/Spanish- will take them to CACs in their area.

The booklet was printed in May, and 400 were sent to all health agencies. The booklet is also posted on line and press releases were put out. Although the Press releases are not in Spanish, DPR will prepare outreaches in Spanish. The Table of contents in the booklet covers the usual problem areas. A positive response and great interest was shown from the health centers. A number of community health centers asked for additional copies of the reference guide to give to doctors and staff. Positive feedback has been received from the CACs. They would like DPR to print as many as possible. It is felt that DPR needs to print 1 million copies to cover the demand. DPR is making a Spanish version. A Link on the DPR homepage will make it available to down load as a whole or by chapter.

Handouts for this guide are also being developed. The Spanish version should be available in September. Outreach forms are also being developed for people to keep.

The Manual should cost approximately \$12 per copy. The State graphic designer will be contacted to determine design costs. The printing costs about \$2 a piece. Only 3000 were printed, but more could be printed if necessary. There is a long list waiting for the Spanish version.

DPR has worked closely with the CACs. CACs added and changed the information regarding the state and county roles. If you have any questions, please email Veda at [VFEDERIGHI@cdpr.ca.gov](mailto:VFEDERIGHI@cdpr.ca.gov)

#### **10:20-10:35            National Pesticide Risk Assessment Tool Under Development: "IPM Options Evaluation Tool" -Pat Matteson, DPR**

Pat gave a power point presentation about the "IPM Options Evaluation Tool". The National IPM Institute of North America, through The Conservation Innovation Grant Program 2007, gave a three-year \$805,000 national grant to DPR to develop a user friendly Assessment Tool for U.S. Agriculture, aka "IPM Options Evaluation Tool."

The 'IPM Options Evaluation Tool' is an on-line pesticide product-ranking tool that provides information about relative risks to people and natural resources, and is easy for a layperson to use.

The purpose of the tool is to mitigate agricultural impacts on soil, water and air quality, non-target species, and worker and consumer health and safety by improving pesticide product selection and access to information on mitigation options.

There are many potential tool users. Growers, commodity groups; Pest Control Advisers; Pest control and pesticide businesses; Research and extension scientists; Third-party certifiers of sustainable production; "Green" food processors, wholesalers and retailers; Government agencies including NRCS; and Advocacy groups

#### **The Project Team consists of:**

Project Director: Tom Green, IPM Institute; Project Coordinator: Wade Pronschinske, IPM Institute; Karen Benbrook, Benbrook Consulting; Paul Jepson, Oregon State University; Jonathan Kaplan, Natural Resources Defense Council; and Pierre Mineau, Carleton University & Environment Canada

#### **The IPM Options Evaluation Tool Will include:**

- Online tool for comparing the water quality impacts of pesticide active ingredients.
- Features that focuses on toxicity to humans and fish.
- Probably include some aspects of the Pesticide Environmental Assessment System (PEAS) model as well as novel features.
- Address a broader spectrum of pesticide risks.

**Display a unique user interface and report screens.**

IPM Options Evaluation Tool will allow the user to see which Risks Are Included; Pesticide drift potential; Soil and air quality; Ground and surface water quality; Aquatic risk; Consumer (residues on food) and worker risks; Non-target species; and Pesticide resistance risk.

#### **Tool Capabilities**

- Evaluate risks to each resource of concern, separately or in combination.
- Consider individual or combined pesticide products.
- Weigh impacts of application method, timing, frequency.
- Account for site-specific conditions.
- Access information on mitigation options.
- Provide "scores" and ranking for each application and for all applications over a single season.

#### **Project Deliverables**

- On-line, user-friendly pesticide risk assessment tool.
- Outreach program.
- External peer review.
- Evaluation of use over two seasons in key cropping systems and production regions.
- Reduction in impacts of the highest hazard pesticides by 10% by tool users by the end of the 2010 growing season.

#### **Work is Just Beginning...**

The UC IPM website gives growers a chance to enter particular problems. It is meant to help growers make informed choice, and will provide a broader information base. It Lists product to use, Indicates probable mitigation measures, and has a Risk rating for each separate category.

Project will evaluate. Goal is to reduction...

Work is just beginning, as are discussions. Other countries involved.

Terry stark Q: Benbrook and MRC seem to be involved. How many of the color bars provide DPR involvement. A. We don't know what final product will look like. It would be great if could represent DPRs and California conditions. Needs to be usable and functional in the field for PCAs to use.

Q. How soon will it be up and working? A. To say by 2010 is very ambitious.

**10:35-10:55 (BREAK TBA)**

**10:55-11:10 Fumigant regulations and program implementation**

Randy Segawa, DPR

Power Point presentation: "Update on Volatile Organic Compound (VOC) Emissions from Pesticides"

There is a change in fumigation methods, Fumigant limits, and allowances.

DPR is obligated to State Implementation Plan (SIP) – VOC content of products.

- Many pesticide active and inert ingredients are VOCs
- State Implementation Plan (SIP) to achieve ozone standard requires DPR to:
  - Develop and maintain an inventory to track pesticide VOC emissions, based on VOC content of products and use
  - Implement regulations by 1/26/08 to achieve 20% reduction from 1991 in five non-attainment areas (NAAs), per court order
  - Field fumigant regulations adopted 1/25/08

#### **Summary of field fumigant regulations (Regulation #1)**

- Licensing:** Pest control businesses must have person certified in new fumigation subcategory by 1/1/09
- Fumigation methods:** "Low-emission" methods required in San Joaquin Valley, Southeast Desert, and Ventura NAAs during May-Oct
- Records and reporting:** Pesticide use reports in NAAs include 4-digit fumigation method code
- Fumigant limits and allowances:**
  - Total pesticide (fumigant + non fumigant) benchmarks established (20% reduction from 1991)
  - Limit on fumigant emissions to meet benchmarks in Ventura beginning 2008, San Joaquin Valley and Southeast Desert beginning 2009

## Preliminary 2005-2006 pesticide VOC emission estimates

- Fumigant regulations are primarily based on 2004 emission data
- For 2005-2006, pesticides were still among top 10 VOC sources in several NAAs
  - Fumigants continue to contribute the most pesticide VOCs in most NAAs, even after accounting for field conditions
  - Emulsifiable concentrates are still major contributors, particularly in San Joaquin Valley

### Proposed Ventura pesticide VOC reduction phase-in (Regulation #2)

Ventura: Fumigants dominate VOCs. The 'most' fumigation product used must be cut by 70%. If switched from menthol bromide to some other product there will be less VOCs. Regulation 2 Impact to Ventura:  
If successful phase-in, Ventura will meet requirements.

### Top contributors in San Joaquin Valley (May-Oct 2006)

There is not any one crop that is dominant in the San Joaquin Valley. 2004 emissions estimates did meet 20% reduction, but now the San Joaquin Valley VOCs are rising instead of lowering.

Of San Joaquin Valley, Southeast Desert, and Ventura County, the Southeast Desert VOC reductions are almost perfect.

## 11:10-11:45 Proposed Regulations on Pesticide Application Notification

Linda O'Connell, DPR, presented by Kevin Solari

Kevin Solari, of the Worker Health & Safety Branch, covered five relevant regulation sections regarding the proposed regulations on Pesticide Application Notification.

Notice of Applications, Notice of Completed Applications, Application-Specific Information for Fieldworkers, Field Entry After Scheduled or Completed Pesticide Applications, and Requirements for Early Entry Employees

### Historical background.

Issues with compliance and enforcement of the worker protection program begin to impact agricultural workers in California. The previous work done on the proposed regulation changes was revisited, reevaluated and reestablished in order to move forward with this rulemaking package. Most of the proposed changes and revisions remained the same. However, some of the proposed language has been revised to provide more clarity and address concerns expressed by worker advocates, OEHHA and DIR.

### Current Status of Proposed Rulemaking Package

- Noticed with OAL on July 4, 2008
- 45-day public comment period ends August 18, 2008

6619 mirrors 6618. Must notify so owner knows that it has been completed.

### Notice of Applications - 3 CCR 6618

- Application date only
- Change in date of application
  - Applicator to owner
  - All other employees
- Performance-based standard
- Notifying others
- Notification in non-ag production setting

### Notice of Completed Applications- 3 CCR 6619

- Performance-based standard
- Exemption to notifying added
- Notifying others

All employees must be notified of date of application changes.

### Application-Specific Information for Fieldworkers - 3 CCR 6761.1

- Revised timing of display
- Display before field workers are allowed within ¼ mile of treated field
- Description of display

6670/6671 Revised timing of display. Owner must immediately notify within 24 hrs instead of 48 hrs. Description of property must be displayed for field workers. Entry requirements must also include exemptions and a notice that re-application is not occurring. Employees cannot enter field until employer says it is okay to re-enter field, and/or REI has expired.

#### Field Entry After Scheduled or Completed Pesticide Applications - 3 CCR 6770

- Added exemption
- Requirements added that prohibit employers from sending workers into treated fields.
- Clarity of section improved

#### Requirements for Early Entry Employees - 3 CCR 6771

- Prior to entering a field under an REI.
- Clarity improved
- Reinforces employer's responsibility that PPE is inspected
- Sufficient water" defined
- Clarifies requirement for hand washing facilities

Q. Dick Stoltz: Do handlers have to wait 4 hrs between sets? Where are they considered a handler and/or an applicator?

A. There is a Grey area if the person is considered a handler and/or an applicator. It depends on the data provided.

A. Barbara: There are a lot of safety issues. The operator of that property is required to know regulations.

Q Dean Nasser. When would it become effective?

A. Could be effective by Jan 2009 depending on notification comments.

Dave Lawson: A lot of people would have to be trained.

11:45-11:50

#### UC IPM update

Mary Lou Flint, Susan Cohen, UC Davis IPM

Some chapters are out for review for the Fumigation Study guide. It should be online by 12/08

The Maintenance Gardener study guide is still being developed.

The Spanish version is being translated. May be completed sooner than 3/09.

With the coordination that we have it should be out quickly.

11:50-12:00

#### Next agenda and meeting date

Committee

November 18, 2008 - Tuesday

Time: 9:30 am - 12:30pm

Place: 1001 I street

Training room 1 East and West (First Floor)

Sacramento, California

Public comment on any agenda item is welcome.

Questions about this agenda should be directed to David Duncan at (916) 445-3870 or [dduncan@cdpr.ca.gov](mailto:dduncan@cdpr.ca.gov)